IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

LA.App..No. 910 of 2006()

LAR.286/1997 of ADDL.SUB COURT,KOLLAM
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APPELLANT: RESPONDENT.

THE STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V. MANOJ KUMAR

RESPONDENTS: CLAIMANTS.
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1. SUDEVAN, MAPPILASSERIL VEEDU,
KILIKOLLOOR.

2. SANTHAKUMARI,
MAPPILASSERIL VEEDU, KILIKOLLOOR.

3. PRIYANKA,
MAPPILASSERIL VEEDU,
KILIKOLLOOR.

BY //

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

L.A.A. NO. 910 OF 2006

Dated this the 4th day of December, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment in L.A.R. No.286 of 1997 on the file of the Additional Sub Court, Kollam. Acquisition was for the National Highway Bye Pass. The extent of the property involved is only 1.50 Ares. Section 4(1) notification is dated 5.6.1990. The Land Acquisition Officer fixed land value at Rs.8,083/- per Are which has been refixed at Rs.18,928/- per Are by the reference court.

2. The learned Government Pleader submits that the reference court having rejected Ext.A1 and having observed that Ext.A2 also cannot be fully relied on, there is no justification in granting such enhancement. We are afraid that this contention cannot be fully appreciated. In cases where the Land Acquisition Officer has fixed land value at Rs.8,083/- per Are, , the reference court has granted enhancement at Rs.19,760/- per Are (L.A.R. No.268 of 1993) and that has become final since there is no appeal against the judgment in L.A.R. No.268 of 1993. We have followed the

same principle in L.A.A. Nos.275 of 2006 and 874 of 2006. The Court has also taken note of the fact that the acquired property is situated in an important locality near to the town and within the vicinity of many institutions. True, Ext.A2 is a post dated document. But, it is seen that the difference is only of a few months. The notification is in June, 1990 whereas Ext.A2 is in November, 1990. It was taking note of all these aspects that the reference court fixed land value at Rs.18,928/- per Are. We do not find any justification in interfering with such fixation.

Thus, there is no merit in the appeal and it is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007